

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GEORGE E. LEVELS,

Plaintiff,

LIBERTY MUTUAL,

Plaintiff-Intervenor,

v.

**CANNONBALL EXPRESS, INC., d/b/a
CANNONBALL EXPRESS
TRANSPORTATION, et al.,**

Defendants.

No. 05-CV-914-DRH

ORDER

HERNDON, District Judge:

Now before the Court is Plaintiff George Levels' Motion for Relief from Order. (Doc. 42.) In an Order dated May 1, 2007 (Doc. 35), the Court dismissed Plaintiff George Levels' claims with prejudice for failure to prosecute his case or to inform the Court of his intentions to either retain counsel or to proceed without counsel. Plaintiff Levels' is now seeking relief from that Order (Doc. 35) pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 60**. Plaintiff's motion (Doc. 42) essentially argues that Plaintiff Levels was so traumatized by the accident that is the basis of this lawsuit that he has been unable, up until recently, to deal with any details related to this matter. For the reasons stated in Plaintiff's motion (Doc. 42), the Court finds

that relief from its May 1, 2007 Order (Doc. 35) is justified pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 60(b)(6)**. Therefore, Plaintiff's motion (Doc. 42) is **GRANTED**. Plaintiff Levels' claims will be reinstated and he will be allowed to proceed in this matter. However, the Court wishes to impress upon Plaintiff Levels and his counsel that while the Court is willing to grant Plaintiff some leniency this time, this will be the last time. Plaintiff Levels is hereby warned that if he fails to prosecute his case or follow the Court's orders in the future, Plaintiff's claims will be dismissed with prejudice as a sanction by the Court.

IT IS SO ORDERED.

Signed this 5th day of July, 2007.

/s/ David RHerndon
United States District Judge